



**REPORT OF THE AUDITOR OF PUBLIC ACCOUNTS
AUDIT EXAMINATION OF THE
FORMER LEWIS COUNTY
SHERIFF'S SETTLEMENT - 1998 TAXES**

February 8, 1999

**EDWARD B. HATCHETT, JR.
AUDITOR OF PUBLIC ACCOUNTS
WWW.STATE.KY.US/AGENCIES/APA**

**144 CAPITOL ANNEX
FRANKFORT, KY 40601
TELE. (502) 564-5841
FAX (502) 564-2912**

CONTENTS

PAGE

INDEPENDENT AUDITOR'S REPORT	1
SHERIFF'S SETTLEMENT - 1998 TAXES	3
NOTES TO FINANCIAL STATEMENT	4
COMMENTS AND RECOMMENDATIONS.....	9
REPORT ON COMPLIANCE AND ON INTERNAL CONTROL OVER FINANCIAL REPORTING BASED ON AN AUDIT OF THE FINANCIAL STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS.....	13



Edward B. Hatchett, Jr. Auditor of Public Accounts

To the People of Kentucky

Honorable Paul E. Patton, Governor

John P. McCarty, Secretary

Finance and Administration Cabinet

Sarah Jane Schaaf, Secretary, Revenue Cabinet

Honorable George M. Plummer, County Judge/Executive

Honorable William D. Lewis, Lewis County Sheriff

Honorable Virgil Cole, Former Lewis County Sheriff

Members of the Lewis County Fiscal Court

Independent Auditor's Report

We have audited the former Lewis County Sheriff's Settlement - 1998 Taxes as of February 8, 1999. This tax settlement is the responsibility of the former Lewis County Sheriff. Our responsibility is to express an opinion on the financial statement based on our audit.

We conducted our audit in accordance with generally accepted auditing standards, Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements issued by the Auditor of Public Accounts, Commonwealth of Kentucky. These standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

The former Sheriff prepared his financial statement on a prescribed basis of accounting that demonstrates compliance with the cash basis and laws of Kentucky, which is a comprehensive basis of accounting other than generally accepted accounting principles.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the former Lewis County Sheriff's taxes charged, credited, and paid as of February 8, 1999, in conformity with the basis of accounting described in the preceding paragraph.

Our audit was made for the purpose of forming an opinion on the financial statement taken as a whole. The schedule listed in the table of contents is presented for purposes of additional analysis and is not a required part of the financial statement. Such information has been subjected to auditing procedures applied in the audit of the financial statement and, in our opinion, is fairly presented in all material respects in relation to the financial statement taken as a whole.

To the People of Kentucky
Honorable Paul E. Patton, Governor
John P. McCarty, Secretary
Finance and Administration Cabinet
Sarah Jane Schaaf, Secretary, Revenue Cabinet
Honorable George M. Plummer, County Judge/Executive
Honorable William D. Lewis, Lewis County Sheriff
Honorable Virgil Cole, Former Lewis County Sheriff
Members of the Lewis County Fiscal Court

Based on the results of our audit, we have presented Comments and Recommendations, included herein, which discusses the following area of noncompliance.

- The Former Sheriff Virgil Cole Should Have Had A Written Agreement To Protect Deposits.

In accordance with Government Auditing Standards, we have also issued a report dated October 14, 1999, on our consideration of the former Sheriff's compliance with certain laws and regulations and internal control over financial reporting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ed Hatchett", with a long horizontal flourish extending to the right.

Edward B. Hatchett, Jr.
Auditor of Public Accounts

Audit fieldwork completed -
October 14, 1999

LEWIS COUNTY
VIRGIL COLE, FORMER SHERIFF
SHERIFF'S SETTLEMENT - 1998 TAXES

February 8, 1999

<u>Charges</u>	<u>County Taxes</u>	<u>Special Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Real Estate	\$ 215,185	\$ 153,212	\$ 588,747	\$ 263,583
Tangible Personal Property	11,238	8,792	29,810	32,272
Intangible Personal Property				3,999
Fire Protection	5,220			
Franchise Corporation	135,186	105,297	299,352	
Additional Billings	228	179	605	82
Fire Districts		56,372		
Adjusted to Sheriff's Receipt	14	(4)	(1)	8
Gross Chargeable to Sheriff	<u>\$ 367,071</u>	<u>\$ 323,848</u>	<u>\$ 918,513</u>	<u>\$ 299,944</u>
<u>Credits</u>				
Discounts	\$ 2,499	\$ 2,361	\$ 6,646	\$ 3,353
Exonerations	1,357	1,270	3,710	1,690
Tax Bills Transferred to Incoming Sheri	43,625	43,056	117,835	53,396
Uncollected Franchise	29,886	32,247	80,779	
Total Credits	<u>\$ 77,367</u>	<u>\$ 78,934</u>	<u>\$ 208,970</u>	<u>\$ 58,439</u>
Net Tax Yield	\$ 289,704	\$ 244,914	\$ 709,543	\$ 241,505
Less: Commissions *	<u>12,600</u>	<u>8,681</u>	<u>28,382</u>	<u>10,551</u>
Net Taxes Due	\$ 277,104	\$ 236,233	\$ 681,161	\$ 230,954
Taxes Paid	<u>277,104</u>	<u>236,233</u>	<u>681,161</u>	<u>230,954</u>
Due Districts as of				
Completion of Fieldwork	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>	<u>\$ 0</u>

* Commissions:

10% on	\$ 10,000
4.25% on	\$ 712,945
4% on	\$ 709,543
1% on	\$ 53,178

The accompanying notes are an integral part of the financial statement.

LEWIS COUNTY
NOTES TO FINANCIAL STATEMENT

February 8, 1999

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a cash basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

LEWIS COUNTY
NOTES TO FINANCIAL STATEMENT
February 8, 1999
(Continued)

Note 2. Deposits

The Sheriff maintains deposits with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC). According to law, the depository institution should pledge sufficient securities as collateral which, together with FDIC insurance, equals or exceeds the amount on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge of securities should be evidenced by an agreement that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution. This agreement, signed by both parties, must be sufficient to create an enforceable and perfected security interest in the collateral under Kentucky law. The depository institution has made such a pledge, and the depository institution's board of directors or loan committee approved the pledge. However, the depository institution did not have a written agreement with the Sheriff.

Note 4. Property Taxes

The real and personal property tax assessments were levied as of January 1, 1998. Property taxes were billed to finance governmental services for the year ended June 30, 1998. Liens are effective when the tax bills become delinquent. The collection period for these assessments was September 30, 1998 through January 11, 1999.

Note 5. Interest Income

The former Lewis County Sheriff earned \$2,229 as interest income on 1998 taxes. The Sheriff distributed the appropriate amount to the school district as required by statute, and the remainder will be used to operate the Sheriff's office.

THIS PAGE LEFT BLANK INTENTIONALLY

COMMENTS AND RECOMMENDATIONS

LEWIS COUNTY
VIRGIL COLE, FORMER SHERIFF
COMMENTS AND RECOMMENDATIONS

February 8, 1999

STATE LAWS AND REGULATIONS:

The Former Sheriff Virgil Cole Should Have Had A Written Agreement To Protect Deposits

The Sheriff maintained deposits with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC). The Sheriff had a bank balance of \$1,079,246; FDIC insurance of \$200,000; and securities pledged of \$1,000,000 as of November 10, 1998. Even though the Sheriff obtained pledged securities of \$1,000,000, the pledge was not evidenced by a written agreement. We recommend the Sheriff enter into a written agreement with the depository institution. This agreement, signed by both parties, must be sufficient to create an enforceable and perfected security interest in the collateral under Kentucky law. According to federal law, 12 U.S.C.A. § 1823(e), this agreement should be (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

Management's Response:

No response made by Sheriff.

PRIOR YEAR:

In the prior year we commented the Sheriff did not have a written agreement to protect deposits. This has not been corrected and is commented on in the current year audit.

THIS PAGE LEFT BLANK INTENTIONALLY

REPORT ON COMPLIANCE
AND ON INTERNAL CONTROL OVER FINANCIAL
REPORTING BASED ON AN AUDIT OF THE FINANCIAL STATEMENT
PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



Edward B. Hatchett, Jr.
Auditor of Public Accounts

Honorable George M. Plummer, County Judge/Executive
Honorable William D. Lewis, Lewis County Sheriff
Honorable Virgil Cole, Former Lewis County Sheriff
Members of the Lewis County Fiscal Court

Report On Compliance And On Internal Control
Over Financial Reporting Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards

We have audited the former Lewis County Sheriff's Settlement - 1998 Taxes as of February 8, 1999, and have issued our report thereon dated October 14, 1999. We conducted our audit in accordance with generally accepted auditing standards and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Compliance

As part of obtaining reasonable assurance about whether the former Lewis County Sheriff's Settlement - 1998 Taxes as of February 8, 1999 is free of material misstatement, we performed tests of its compliance with certain provisions of laws and regulations, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance that are required to be reported under Government Auditing Standards.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the former Lewis County Sheriff's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement and not to provide assurance on the internal control over financial reporting. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control over financial reporting that might be material weaknesses. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the financial statement being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be material weaknesses.

Honorable George M. Plummer, County Judge/Executive
Honorable William D. Lewis, Lewis County Sheriff
Honorable Virgil Cole, Former Lewis County Sheriff
Members of the Lewis County Fiscal Court
Report On Compliance And On Internal Control
Over Financial Reporting Based On An Audit Of The Financial
Statement Performed In Accordance With Government Auditing Standards
(Continued)

This report is intended for the information of management. However, this report, upon release by the Auditor of Public Accounts, is a matter of public record and its distribution is not limited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ed Hatchett", with a long horizontal flourish extending to the right.

Edward B. Hatchett, Jr.
Auditor of Public Accounts

Audit fieldwork completed -
October 14, 1999

